

STAYED,TYPE I-FOIA

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:18-cv-01268-KBJ**

ELECTRONIC PRIVACY INFORMATION CENTER v.
UNITED STATES DEPARTMENT OF HOMELAND
SECURITY

Assigned to: Judge Ketanji Brown Jackson
Demand: \$0
Cause: 05:552 Freedom of Information Act

Date Filed: 05/30/2018

Jury Demand: None

Nature of Suit: 895 Freedom of
Information Act

Jurisdiction: U.S. Government Defendant

Plaintiff

**ELECTRONIC PRIVACY
INFORMATION CENTER**

represented by **John L. Davisson**
ELECTRONIC PRIVACY
INFORMATION CENTER
1718 Connecticut Avenue, NW
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ATTORNEY TO BE NOTICED

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V.

Defendant

**UNITED STATES DEPARTMENT OF
HOMELAND SECURITY**

represented by **Daniel Patrick Schaefer**
U.S. ATTORNEY'S OFFICE FOR THE
DISTRICT OF COLUMBIA
555 Fourth Street, NW
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ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
05/30/2018	<u>1</u>	COMPLAINT against UNITED STATES DEPARTMENT OF HOMELAND SECURITY (Filing fee \$ 400 receipt number 0090-5508046) filed by ELECTRONIC PRIVACY INFORMATION CENTER. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Summons U.S. Attorney, District of Columbia, # <u>3</u> Summons U.S. Department of Homeland Security, # <u>4</u> Summons U.S. Attorney General, # <u>5</u> Exhibit Nos. 13)(Butler, Alan) (Entered: 05/30/2018)
05/30/2018	<u>2</u>	Corporate Disclosure Statement by ELECTRONIC PRIVACY INFORMATION CENTER. (Butler, Alan) (Entered: 05/30/2018)

06/01/2018		Case Assigned to Judge Ketanji Brown Jackson. (zsb) (Entered: 06/01/2018)
06/01/2018	<u>3</u>	SUMMONS (3) Issued Electronically as to UNITED STATES DEPARTMENT OF HOMELAND SECURITY, U.S. Attorney and U.S. Attorney General (Attachment: # <u>1</u> Notice and Consent)(zsb) (Entered: 06/01/2018)
06/22/2018	<u>4</u>	ENTERED IN ERROR.....RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 6/5/2018. Answer due for ALL FEDERAL DEFENDANTS by 7/5/2018. (Attachments: # <u>1</u> Certificate of Service as to Attorney General, # <u>2</u> Certificate of Service as to Department of Homeland Security)(Butler, Alan) Modified on 6/25/2018 (zjf). (Entered: 06/22/2018)
06/25/2018		NOTICE OF CORRECTED DOCKET ENTRY: Document No. re <u>4</u> Summons Returned Executed in FOIA as to U.S. Attorney, was entered in error and counsel was instructed to refile said pleading using the correct event. (jf) (Entered: 06/25/2018)
06/25/2018	<u>5</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 6/5/2018. (Answer due for ALL FEDERAL DEFENDANTS by 7/5/2018.), RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 06/11/18., RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. UNITED STATES DEPARTMENT OF HOMELAND SECURITY served on 6/8/2018 (Attachments: # <u>1</u> Certificate of Service, # <u>2</u> Certificate of Service)(Butler, Alan) (Entered: 06/25/2018)
07/05/2018	<u>6</u>	NOTICE of Appearance by Daniel Patrick Schaefer on behalf of UNITED STATES DEPARTMENT OF HOMELAND SECURITY (Schaefer, Daniel) (Entered: 07/05/2018)
07/05/2018	<u>7</u>	Consent MOTION for Extension of Time to File Answer re <u>1</u> Complaint, by UNITED STATES DEPARTMENT OF HOMELAND SECURITY (Attachments: # <u>1</u> Text of Proposed Order)(Schaefer, Daniel) (Entered: 07/05/2018)
07/09/2018		MINUTE ORDER granting, for good cause shown, <u>7</u> Consent Motion for Extension of Time to Answer, nunc pro tunc. It is hereby ORDERED that Defendant shall answer or otherwise respond to the complaint on or before 7/19/2018. Signed by Judge Ketanji Brown Jackson on 07/09/2018. (lckbj1) (Entered: 07/09/2018)
07/11/2018	<u>8</u>	ANSWER to Complaint by UNITED STATES DEPARTMENT OF HOMELAND SECURITY.(Schaefer, Daniel) (Entered: 07/11/2018)
09/04/2018	<u>9</u>	GENERAL ORDER AND GUIDELINES APPLICABLE TO FOIA CASES ASSIGNED TO JUDGE KETANJI BROWN JACKSON. The Court will hold the parties and counsel responsible for following these directives, and parties and counsel should pay particular attention to the Court's instructions for processing and production of records, batching motions, and filing exhibits. Failure to adhere to this Order may, when appropriate, result the imposition of sanctions and/or sua sponte denial of non-conforming motions. Signed by Judge Ketanji Brown Jackson on 9/4/2018. (lckbj1) (Entered: 09/04/2018)
09/04/2018		MINUTE ORDER. Before the Court in this FOIA case are a complaint and an answer. It is hereby ORDERED that the parties shall review this Court's <u>9</u> General Order and Guidelines Applicable to FOIA Cases, and promptly confer and file a joint proposed schedule for disclosure or briefing motions for summary judgment, on or before 9/18/2018. Signed by Judge Ketanji Brown Jackson on 09/04/2018. (lckbj1) (Entered: 09/04/2018)
09/06/2018		Set/Reset Deadlines: Proposed Briefing Schedule due by 9/18/2018 (tj) (Entered: 09/06/2018)
09/18/2018	<u>10</u>	Joint STATUS REPORT and Proposed Schedule for Disclosure by UNITED STATES DEPARTMENT OF HOMELAND SECURITY. (Attachments: # <u>1</u> Text of Proposed Order)(Schaefer, Daniel) (Entered: 09/18/2018)
09/18/2018		MINUTE ORDER. In light of the representations in the parties' <u>10</u> Joint Status Report, it is hereby ORDERED that the parties shall file a further joint status report on or

		before 10/12/2018, which shall include a proposed schedule for further proceedings if litigation is going to be necessary. Signed by Judge Ketanji Brown Jackson on 9/18/2018. (lckbj1) (Entered: 09/18/2018)
10/12/2018	<u>11</u>	Joint STATUS REPORT <i>and Proposed Schedule</i> by ELECTRONIC PRIVACY INFORMATION CENTER. (Attachments: # <u>1</u> Text of Proposed Order from Defendant, # <u>2</u> Text of Proposed Order from Plaintiff)(Butler, Alan) (Entered: 10/12/2018)
10/15/2018		MINUTE ORDER. In light of the representations on the parties' <u>11</u> Joint Status Report and Proposed Schedule, it is hereby ORDERED that DHS shall complete its review and release all responsive, non-exempt records, or portions of records, to Plaintiff on or before 11/16/2018. It is FURTHER ORDERED that the parties shall file a further Joint Status Report on or before 11/30/2018, which shall contain a joint proposed schedule for further proceedings if litigation is going to be necessary. Signed by Judge Ketanji Brown Jackson on 10/15/2018. (lckbj1) (Entered: 10/15/2018)
11/30/2018	<u>12</u>	Joint STATUS REPORT <i>and Proposed Schedule</i> by ELECTRONIC PRIVACY INFORMATION CENTER. (Attachments: # <u>1</u> Text of Proposed Order)(Butler, Alan) (Entered: 11/30/2018)
11/30/2018	13	MOTION for Scheduling Order <i>To Adopt A Schedule for Further Proceedings</i> by ELECTRONIC PRIVACY INFORMATION CENTER. (See Docket Entry <u>12</u> to view document) (jf) Modified event title on 12/3/2018 (znmw). (Entered: 11/30/2018)
12/03/2018		MINUTE ORDER granting 13 Motion for Scheduling Order. It is hereby ORDERED that the parties shall file a further joint status report on or before 12/7/2018, which shall contain a proposed schedule for further proceedings if litigation is going to be necessary. Signed by Judge Ketanji Brown Jackson on 12/3/2018. (lckbj1) (Entered: 12/03/2018)
12/07/2018	<u>14</u>	NOTICE of Appearance by John L. Davisson on behalf of ELECTRONIC PRIVACY INFORMATION CENTER (Davisson, John) (Entered: 12/07/2018)
12/07/2018	<u>15</u>	Joint STATUS REPORT by ELECTRONIC PRIVACY INFORMATION CENTER. (Attachments: # <u>1</u> Text of Proposed Order)(Davisson, John) (Entered: 12/07/2018)
12/07/2018	16	MOTION to Adopt A Schedule for Further Proceedings by ELECTRONIC PRIVACY INFORMATION CENTER. (See Docket Entry <u>15</u> to view document) (jf) Modified event on 12/11/2018 (znmw). (Entered: 12/10/2018)
12/10/2018		MINUTE ORDER. In light of the representations in the parties' <u>15</u> Joint Status Report, it is hereby ORDERED that the parties shall file a further joint status report on or before 1/6/2019, which shall contain a proposed schedule for further proceedings if litigation is going to be necessary. Signed by Judge Ketanji Brown Jackson on 12/10/2018. (lckbj1) (Entered: 12/10/2018)
01/04/2019	<u>17</u>	Consent MOTION to Stay <i>In light of Lapse in Appropriations</i> by UNITED STATES DEPARTMENT OF HOMELAND SECURITY (Schaefer, Daniel) (Entered: 01/04/2019)
01/07/2019		MINUTE ORDER granting <u>17</u> Consent Motion to Stay in light of lapse of appropriations. For good cause shown, it is hereby ORDERED that this case is STAYED. Counsel for Defendant shall notify the Court as soon as Congress has appropriated funds; at that point, the Court will enter an order resetting the applicable deadlines, which will be extended day-for-day with the duration of the lapse in appropriations. Signed by Judge Ketanji Brown Jackson on 1/7/2019. (lckbj1) (Entered: 01/07/2019)
02/06/2019	<u>18</u>	NOTICE of <i>Restored Government Funding</i> by UNITED STATES DEPARTMENT OF HOMELAND SECURITY (Schaefer, Daniel) (Entered: 02/06/2019)
02/11/2019	<u>19</u>	Joint STATUS REPORT by UNITED STATES DEPARTMENT OF HOMELAND SECURITY. (Attachments: # <u>1</u> Text of Proposed Order)(Schaefer, Daniel) (Entered: 02/11/2019)
02/12/2019		MINUTE ORDER. In light of the representations in the parties' <u>19</u> Joint Status Report, it is hereby ORDERED that the parties shall file a further joint status report on or

		before 2/20/2019, which shall include a proposed schedule for further proceedings if litigation is going to be necessary. Signed by Judge Ketanji Brown Jackson on 2/12/2019. (lckbj1) (Entered: 02/12/2019)
02/21/2019	<u>20</u>	Joint STATUS REPORT by UNITED STATES DEPARTMENT OF HOMELAND SECURITY. (Attachments: # <u>1</u> Text of Proposed Order)(Schaefer, Daniel) (Entered: 02/21/2019)
02/21/2019		MINUTE ORDER. In light of the representations in the parties' <u>20</u> Joint Status Report, it is hereby ORDERED that the parties shall file a further joint status report on or before 3/25/2019, which shall include a proposed schedule for further proceedings if litigation is going to be necessary. Signed by Judge Ketanji Brown Jackson on 2/21/2019. (lckbj1) (Entered: 02/21/2019)
03/25/2019	<u>21</u>	Joint STATUS REPORT by ELECTRONIC PRIVACY INFORMATION CENTER. (Attachments: # <u>1</u> Text of Proposed Order)(Davisson, John) (Entered: 03/25/2019)
04/03/2019		MINUTE ORDER. In light of the representations in the parties' <u>21</u> Joint Status Report, it is hereby ORDERED that the parties shall file a further joint status report on or before 4/24/2019, which shall include a proposed schedule for further proceedings if litigation is going to be necessary. Signed by Judge Ketanji Brown Jackson on 4/3/2019. (lckbj1) (Entered: 04/03/2019)
04/24/2019	<u>22</u>	Joint STATUS REPORT by UNITED STATES DEPARTMENT OF HOMELAND SECURITY. (Attachments: # <u>1</u> Text of Proposed Order)(Schaefer, Daniel) (Entered: 04/24/2019)
04/26/2019		MINUTE ORDER. In light of the representations in the parties' <u>22</u> Joint Status Report, it is hereby ORDERED that the parties shall file a further joint status report on or before 5/24/2019, which shall include a proposed schedule for further proceedings if litigation is going to be necessary. Signed by Judge Ketanji Brown Jackson on 4/26/2019. (lckbj1) (Entered: 04/26/2019)
05/24/2019	<u>23</u>	Joint STATUS REPORT by UNITED STATES DEPARTMENT OF HOMELAND SECURITY. (Attachments: # <u>1</u> Text of Proposed Order)(Schaefer, Daniel) (Entered: 05/24/2019)
05/30/2019		MINUTE ORDER. Where only attorneys' fees remain at issue in a FOIA case, it is the practice of this Court to close the case administratively while it awaits notice from the parties regarding settlement of the attorneys' fees or a joint proposed schedule for briefing this remaining dispute. Accordingly, in light of the representations in the parties' <u>23</u> Joint Status Report, it is hereby ORDERED that this matter be ADMINISTRATIVELY CLOSED. It is FURTHER ORDERED that the parties shall file a joint status report on or before 6/24/2019, which shall contain a proposed schedule for briefing the issue of attorneys' fees, if such briefing is going to be necessary. Signed by Judge Ketanji Brown Jackson on 5/30/2019. (lckbj1) (Entered: 05/30/2019)